

United States Courts
Southern District of Texas
FILED

NOV 01 2014

David J. Bradley, Clerk of Court

A091 (Rev. 8/01) Criminal Complaint

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

UNITED STATES OF AMERICA

V.

Marcos GARCIA

CRIMINAL COMPLAINT

Case Number: C-14-1171m

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 10/31/2014 in Brooks County, in the
(Date)

Southern District of Texas defendants, **Adan GARCIA**

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law,


in violation of Title 8 United States Code, Section(s) 1324.
I further state that I am a(n) Special Agent and that this complaint is based on the
following facts:
Official Title

See Attached Affidavit of Special Agent

David L. Muir

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No


Signature of Complainant

David L. Muir
Printed Name of Complainant

Sworn to before me and signed in my presence, and probable cause found

November 1, 2014

Date

at

Corpus Christi, Texas

City and State

Jason B. Libby U.S. Magistrate Judge

Name and Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

On October 31, 2014, United States Border Patrol Agent Matthew Cooze arrested Marcos GARCIA and twenty four (24) illegal aliens in Brooks County, within the Southern District of Texas. The arrests were subsequent to the discovery by USBP Agent Cooze that GARCIA was engaged in knowingly aiding, abetting, transporting, and/or harboring of alien persons who had come to be in the United States illegally.

On October 31, 2014 at approximately 2340 hrs, USBP Agent Cooze observed a red and white Freightliner Tractor Trailer bearing Texas license plate number R005326 with a Bullet Express logo on the door, and pulling a white refrigerated trailer bearing Texas license plate 028B431, as it entered the primary inspection lane of the USBP Checkpoint on northbound Highway 281; the vehicle was being operated by GARCIA. USBP Agent Cooze encountered GARCIA during primary inspection. USBP Agent Cooze recognized that GARCIA was unusually nervous during the contact; Agent Cooze observed GARCIA exhibiting jerky body movement, exaggerated blinking, and rapid foot tapping.

Contemporaneous to the encounter, USBP Agent Rivas and his K-9 Unit "Tomy" conducted a "free air sniff" of the area around the refrigerated trailer; during which K-9 "Tomy" alerted for the presence of human beings and/or contraband inside the trailer. Agent Cooze referred GARCIA and his vehicle to secondary inspection once he was notified of the K-9 Unit alert. During secondary inspection, USBP Agents discovered twenty four (24) persons hiding in the front section of the refrigerated trailer; in between and amongst the loaded pallets of watermelons. During field interview and immigration inspection of each of those twenty four (24) persons discovered in the trailer, USBP Agents determined that each person was in fact a citizen of a country other than the United States who had come to be in the United States contrary to law. USBP Agents subsequently detained GARCIA and the twenty four (24) illegal aliens discovered in the refrigerated trailer.

STATEMENT of Marcos GARCIA:

During interview, subsequent to the advisement of his constitutional rights, GARCIA made substantially the following statements (paraphrased):

GARCIA stated he had been smuggling aliens in the employ of a man whom he knew only as "El Rafa". "El Rafa" had offered to pay him \$2,000.00 USD to transport three (3) illegal aliens from Alamo, Texas to San Antonio, Texas. GARCIA advised he had picked up the tractor/trailer rig from his boss around 1800 hrs, traveled to Bagley Produce where it was loaded with watermelons, and then, after fueling the vehicle, GARCIA traveled to a taqueria in Alamo, Texas where he met "El Rafa". GARCIA advised that he surrendered control of the tractor/trailer rig to "El Rafa" so that "El Rafa" could take the tractor/trailer rig to an unknown location where the illegal aliens were loaded by "El Rafa". The rig was then brought back to GARCIA with the illegal aliens hidden inside. GARCIA stated he did not know the exact location where he would be taking the illegal aliens in San Antonio, Texas. He stated that "El Rafa" was to call him (GARCIA) when he was about an hour out of San Antonio and provide him with an exact location.

STATEMENT of Jose De Jesus AGUILERA-Bautista:

During interview, subsequent to the advisement of his constitutional rights, AGUILERA made substantially the following statements (paraphrased):

AGUILERA admitted he is a citizen and national of Mexico who had last entered the United States afoot, contrary to law, by crossing the Rio Grande River. AGUILERA advised USBP Agents that he had entered the United States approximately 4 days prior to his arrest and had been transported to several houses before being transported to the lot where he was told to get into the tractor/trailer rig.

AGUILERA advised USBP Agents that he did not at any time see the driver of the vehicle. He further advised that once inside the rig, he did not believe he could have gotten out if he wanted to.

STATEMENT of Noel CABALLERO-Trejo:

During interview, subsequent to the advisement of his constitutional rights, CABELLERO made substantially the following statements (paraphrased):

CABALLERO admitted he is a citizen and national of Mexico who had last entered the United States afoot, contrary to law, by crossing the Rio Grande River. CABALLERO advised USBP Agents that he had entered the United States approximately 3 days prior to his arrest and had been transported to a small trailer home where he remained until he was transported to the lot where he was told to get into the tractor/trailer rig. CABALLERO advised USBP Agents that he did not at any time see the driver of the vehicle. He further advised that once inside the rig, he did fear for his life and safety because he did not believe he could have gotten out if he wanted to.

STATEMENT of Rene DURAN-Hernandez:

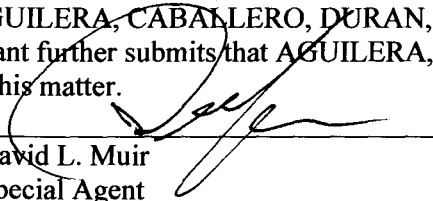
During interview, subsequent to the advisement of his constitutional rights, DURAN made substantially the following statements (paraphrased):

DURAN admitted he is a citizen and national of Mexico who had last entered the United States afoot, contrary to law, by crossing the Rio Grande River. DURAN advised USBP Agents that he had entered the United States approximately 2 weeks prior to his arrest and had been transported multiple houses for varying lengths of time prior to being transported to a warehouse where he was told to get into the tractor/trailer rig. DURAN advised USBP Agents that he did not at any time see the driver of the vehicle. He further advised that once inside the rig, he did fear for his life and safety because he was scared to freeze to death.

USBP Agents interviewed the twenty one (21) other illegal aliens being transported by GARCIA; each separately admitted to USBP Agents that they were citizens and nationals of countries other than the United States who had entered and come to be in the United States without having been inspected or admitted. During their interviews no exculpatory statements pertaining to GARCIA were made.

DISPOSITION:

HSI Corpus Christi Special Agents were notified of the facts of the case and have initiated a criminal investigation based upon those facts. Affiant respectfully submits that probable cause exists to believe that GARCIA did knowingly aid, abet, transport, and/or harbor alien persons who had come to be in the United States illegally; those persons including AGUILERA, CABALLERO, DURAN, and others, in violation of Title 8 United States Code 1324. Affiant further submits that AGUILERA, CABALLERO, and DURAN be detained as material witnesses in this matter.


David L. Muir
Special Agent
Homeland Security Investigations

SUBSCRIBED and SWORN
before me this 1st day of November, 2014


Jason B. Libby
United States Magistrate Judge